

ECPP Advisory Group Meeting
August 16, 2000
Noon – 3:30
Hosted by Electrotek, Oak Creek

Attending

Jon Heinrich - DNR
Joan Girard - Electrotek
Marilou Martin – USEPA Region 5
Mike Gromacki – Cook Composites and Polymers (CCP)
Jeanne Burns-Frank – Madison Gas and Electric
Peter Wise – Kestrel Management, consultant to DNR
Mark Harings - DNR
Scott Lee - DNR
Randy Nedrelo – Northern Engraving
Bruce Corning – Northern Engraving
Susan Lindem - DNR
Steve Skavroneck – Stakeholder involvement consultant for CCP
John Shenot - DNR
Caryl Terrell – Sierra Club
Brian Borofka – Wisconsin Electric (WEPCO)

Welcome

Joan Girard explained Electrotek's manufacturing process and history. They make printed circuit boards.

Introductions, Review of Minutes and Action Items

Minutes from June 1, 2000 meeting were distributed, reviewed, and approved. Heinrich explained what happened with action items.

Heinrich distributed letter from Walter Carey of Nestle explaining why Nestle dropped out of the Cooperative Agreement program and advisory committee. One reason offered was their perception of a lack of support from DNR during enforcement proceedings at one Nestle facility. Secretary Meyer will send a letter of acknowledgment to Mr. Carey. Terrell asked DNR to attach the Nestle letter to the ECPP Annual Report. Wise says Nestle still interested in innovative programs in Illinois.

Stakeholder Involvement

Gromacki shared information about CCP, a resin manufacturer. CCP is looking for an alternative to a hazardous waste incinerator. Looking at a new technology, macro porous polymer extraction system that removes hydrocarbons from wastewater. Pilot tests at other facilities were successful at recovering xylene and other hazardous constituents. Want to use ECPP to create a glide path to new technology and eventual elimination of incinerator, instead of immediately doing trial burn and renewing 10-year incinerator permit. Considering 3 options for the technical solution.

CCP contracted with Skavroneck to get meaningful community stakeholder involvement. They plan a three step process for both input to CCP and outreach to community. First step was contacting local officials and others. Second step was baseline questionnaire on perceptions of CCP. (Copies distributed by Skavroneck.) Want to use survey results to design stakeholder involvement. Survey handed out at stakeholder meeting and mailed to more than 100 others (selected by Skavroneck based on his knowledge and driving around near the facility). Survey results truly will dictate next steps. Still in formative stages. Meeting had informal discussion (mixed success) for input; question and answer session at end; form

handed out for written comments along with the survey. CCP does not see answers; all sent to Skavroneck. In general, stakeholders may have been a little overwhelmed. Some fence-line neighbors unhappy about odors. (CCP is considering an odor hotline.) One person (a former employee) was a chemical engineer and knew a lot about the process and felt that the incinerator should stay; that person wants to be on the Interested Persons group. This would create challenges because there may be one stakeholder whose knowledge base is radically different than all others. Gromacki is thinking they might want to add other businesses (maybe ECPP critics, or suppliers/customers) to their group.

WEPCO stakeholder involvement (Borofka): Organized in part by a 51-year WEPCO employee (!) who is a leader in the community of Pleasant Prairie. WEPCO invited about 60 individuals by letter. Also put a letter to the public in the local newspaper inviting people to the open house, explaining what they were doing, and telling how to get more information. The paper (Kenosha News) and local radio station have followed this and are enthusiastic. About 25 people attended the stakeholder meeting, including a State Senator, local officials, and neighbors. WEPCO talked about ECPP background, their own proposal, and their company/processes in general. Then they offered plant tours. They received good comments and questions, mostly from neighbors, and good press coverage. WEPCO invited everyone there to participate on an ongoing basis.

Gromacki thinks big challenge is to make IP involvement meaningful and ongoing. He thinks it might help to involve people in auditing or assessments. Martin pointed out that it might be possible to establish a charter (with bylaws, etc.) between the companies and the IP groups. Heinrich mentioned that DNR internal workgroup decided ECPP applicants should have at least one stakeholder meeting before DNR negotiates with the company on a final agreement. [Note: Advisory group thought deliberations of this internal workgroup should be more transparent!] Scott Lee said DNR would henceforth circulate minutes of workgroup meetings to the Advisory Committee.

Annual Report

Lee distributed copies of last year's annual report and a proposed outline of this year's report, based on comments received thus far. Girard thought it is important to stick close to format from previous years and keep consistent. Borofka thinks some of the outline is moot unless we sign agreements. Must be sure not to count chicks before they are hatched. Terrell thinks it's okay to add things, but agrees with Girard about keeping same basic structure from year to year. Terrell thinks report should show what was done about action items from previous year's report. Thinks DNR should describe benefits yes, but also any stumbling blocks or disbenefits. DNR should use neutral language so it is clear we will tell the whole truth, not just the good news. Maybe say "Impacts" instead of "Benefits" to the natural/social/economic environment. **Scott Lee will send a revised version of the outline by COB August 23. People will have until August 25 to comment.**

Substance and Recommendations for Annual Report – discussion facilitated by Peter Wise. Wise distributed copies of article by Michael Crow, Tellus Institute (Boston), on the early results and conclusions of reinvention projects around the US. Wise asked people to list 3 or 4 most important messages that annual report should get across. Results from advisory group:

Movement forward to common goal through cooperation

Transaction costs high for all parties

Can't yet draw conclusions or lessons learned about if or how ECPP will achieve benefits

What are barriers to concluding/signing agreements?

Companies involved want environmental improvements (not just deregulation)

Radical cultural and paradigm shifts are required for success

Reorganization and decentralization of DNR doesn't help the process

Ways to improve the process/recommendations

If you always do what you've already done, you only get what you already have (pain is a necessary evil)

Benefits to some may be undesirable to others (e.g., reduced reporting)

Why do we have so few applicants? Barriers?

How can we make it less painful?

What changes have occurred within DNR or EPA through this process?
Success story would do a lot to recruit new companies
“Sovereign immunity” must be addressed – no assurance of timeliness by DNR, different rules for DNR
DNR senior management needs to be more personally involved to make it happen – is it a priority or not?
OR... middle management/staff need to take more pride and ownership in innovation
What changes are happening in the companies through this process?
DNR trying to do anything possible (inc. too much flexibility) to get agreements signed
Not always obvious to regulators why companies need some flexibilities – what are they trying to fix?
Achieving meaningful public participation will also take resources and cultural change
Biggest incentives for participation seem to be: 1) up-front DNR pre-approval of projects, 2) potential EPA signoff, and 3) simply having EPA involved (one stop shopping)
Existing program not successful to date in developing a new regulatory model/template
Companies likely already on route to superior performance, seeking good PR, expedited reviews, more DNR involvement with their projects
Program suffered from Lynda’s illness
Degree to which program meets needs of companies and regulators
Degree to which program will affect future business at DNR

The Advisory group was asked to send additional thoughts to Peter Wise by September 1. Wise will group the comments and return a cleaned up list to the Advisory Group within a week.

DNR will use the list as we write the annual report to make sure we consider the Advisory Group’s impressions of how the program is going. Caryl Terrell wants DNR to actively solicit comments from WMC and the Department of Commerce.

Performance Measures

Shenot tried to clarify confusion from the last Advisory group meeting regarding the difference between performance measures in a Cooperative Agreement and measures in the company’s EMS. Measures in an EMS are the company’s business and can change to meet their needs. But, measures specified in an agreement can’t change without amending the agreement. It’s an enforceable document, just like a permit. There can be any level of overlap between the two (0-100%). Measures, like other parts of an agreement, are negotiable.

Performance Measures table states the categories that we need to measure, and lists a menu of choices in each category. It is not an exhaustive menu.

Acceptable EMS

ECPP statute says participants must have an EMS based on ISO 14001 or acceptable to DNR. Because of the CCP application, it became necessary to consider what might be “acceptable to DNR.” Shenot explained the discussion of this subject by DNR’s internal workgroup. The end result was that a good approach might be to specify endpoints (definitely not acceptable, definitely acceptable) and treat everything in between on a case-by-case basis. Not worthwhile to try to pin down exactly what would be acceptable. The Oregon DEQ checklist for “ISO Comparable EMS” is probably a good tool. “Transparency” or public availability of the EMS could be a minimum requirement.

Borofka handed out copies of his thoughts on the issues surrounding ISO equivalency. Gromacki thought their combination of Coatings Care and Prosper was just as good. Peter Wise questioned whether DNR should even consider accepting an EMS that falls short of ISO. E.g., Responsible Care might be great but doesn’t require 3rd party verification. Lots of action in this area. EPA is dealing with similar issue in Performance Track. Terrell concerned that what we decide on this could influence Green Tier legislation; wants more chance to think carefully about it.

Things the group thought DNR should do: share the Oregon and Illinois tools/criteria for participating in their innovation programs; maintain the ISO key elements as prerequisites; and consider the issues in Borofka's handout.

Updates and Committee Issues

Tabled.

Next Meeting

October 17, 2000 in a location to be determined.